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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,596	02/11/2002	Peter Alexander Van Elsas	PTT-121/RCE(402544US)	5193
7265 7590 03/05/2008 MICHAELSON & ASSOCIATES P.O. BOX 8489 RED BANK, NJ 07701			EXAMINER EL CHANTI, HUSSEIN A	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 03/05/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/890,596

Applicant(s)

VAN ELSAS ET AL.

Examiner

HUSSEIN A. EL CHANTI

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to amendment received on Dec. 12, 2007. Claims 6-8 were amended. Claim 5 was canceled. Claim 9 was newly added. Claims 6-9 are pending examination.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

3. Claim 9 recites the limitations "said one personal service agent communicates, apart from with the associated one of the personal assistants, with the coordinating sub-system but not with any personal service agent associated with any user other than said one user in order to accomplish said sub-task for said one user".

Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. See *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole, necessarily described the part remaining."). See also *Ex parte Grasselli*, 231 USPQ 393 (Bd. App.

Art Unit: 2157

1983), *aff 'dmem.*, 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Note that a lack of literal basis in the specification for a negative limitation may not be sufficient to establish a *prima facie* case for lack of descriptive support. *Ex parte Parks*, 30 USPQ2d 1234, 1236 (Bd. Pat. App. & Inter. 1993). See MPEP § 2163 - § 2163.07(b) for a discussion of the written description requirement of 35 U.S.C. 112, first paragraph.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Koreeda et al., U.S. Patent No. 5,781,731 (referred to hereafter as Koreeda).

As to claim 9, Koreeda teaches a hierarchically-structured personal agent system within a computer system, the personal agent system comprising:

a personal assistant sub-system having a plurality of personal assistants, each one of said personal assistants being arranged to perform tasks for only one different user in a plurality of users (see col. 7 lines 49-col. 8 lines 12, plurality of agents associated with each user);

Art Unit: 2157

at least one service agent sub-system comprising a plurality of personal service agents, each one of said personal service agents being arranged for carrying out a specific sub-task for an associated one of said personal assistants and for only the associated one of said users who is served by said associated one personal assistant (see col. 7 lines 49-col. 8 lines 12, plurality of agents wherein each is performs different functionality such as conference sponsor, scheduling and appointments); and

a separate coordinating sub-system, apart from the personal assistant sub-system and the service agent sub-system, comprising at least one coordination processor for mutual coordination of actions of said personal service agents for different ones of the users (See col. 8 lines 35-60, the organization agent which is separate from the personal agents, contacts each personal agent to coordinate a meeting schedule) ; and

wherein, in order to restrict flow of user information within the personal agent system, said one user only communicates with said one of the personal assistants, said one personal assistant communicates, apart from with said one user, only with said one personal service agent associated with said one user and within each of said service agent sub-systems in order to accomplish one of said tasks, and said one personal service agent communicates, apart from with the associated one of the personal assistants, with the coordinating sub-system but not with any personal service agent associated with any user other than said one user in order to accomplish said sub-task for said one user (see col. 8 lines 35-60, the organization agent contacts each of the personal agents to coordinate the scheduling of the meeting).

As to claim 6, Koreeda teaches the personal agent system according to claim 9 further comprising a central control unit having addresses of said personal assistants, said personal service agents and the processing part and arranged for connecting each one of the users to his own corresponding one of the personal assistants (see col. 9 lines 1-65).

As to claim 7, Koreeda teaches the personal agent system according to claim 9 wherein said one personal assistant comprises means for adjusting said one personal assistant to behavior of said one user (see col. 8 lines 35-45 and col. 11 lines 22-45).

As to claim 8, Koreeda teaches the personal agent system according to claim 9 wherein each one of the personal service agent comprises means for adjusting said one personal service agent to behavior of said one user (see col. 8 lines 35-45 and col. 11 lines 22-45).

### ***Response to Arguments***

3. Applicant's arguments have been fully considered but are moot in view of the new grounds or rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUSSEIN A. EL CHANTI whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

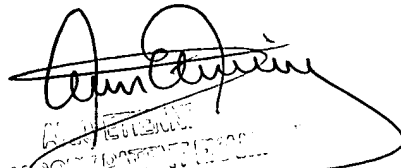
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hussein Elchanti

Feb. 28, 2008



Handwritten signature of Hussein Elchanti, dated Feb. 28, 2008.